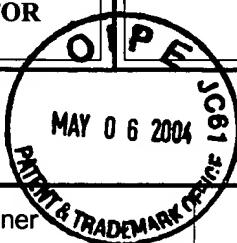


**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.  
**13388**

**In Re Application Of: Cristobal Guillermo dos Remedios, et al.**



MAY 06 2004

| Serial No. | Filing Date | Examiner  | Group Art Unit |
|------------|-------------|-----------|----------------|
| 09/778,259 | 2/7/2001    | C.J. Cheu | 1641           |

**Invention: BIOMOLECULAR TOXICITY ASSAY**

**TO THE COMMISSIONER FOR PATENTS:**

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of November 3, 2003 in the above-identified application.

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated November 3, 2003 finally rejecting Claim(s) 1, 3-7 and 11.

**Applicant(s) hereby request(s) an extension of time of (check desired time period):**

One month     Two months     Three months     Four months     Five months

from: February 3, 2004 Date until: May 3, 2004 Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

**Fee for Notice of Appeal:** \$165.00

**Fee for Extension of Time:** \$475.00

**TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME:** \$640.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

- A check in the amount of \$640.00 for the Notice of Appeal and extension of time is enclosed.

Please charge Deposit Account No. in the amount of

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-1013/SSMP

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 19-1013/SSMP

05/07/2004 TBESHAH1 00000083 09778259

01 FO:2401 165.00 OP  
05/07/2004 TBESHAI1 00000083 09778259  
02 FE:6753 475.00

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.  
13388

In Re Application Of: Cristobal Guillermo dos Remedios

MAY 06 2004

PATENT & TRADEMARK OFFICE  
JC61

Serial No.  
09/778,259

Filing Date  
2/7/2001

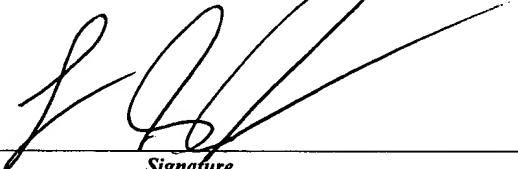
Examiner  
C.J. Cheu

Group Art Unit  
1641

Invention: BIOMOLECULAR TOXICITY ASSAY

**TO THE COMMISSIONER FOR PATENTS:**

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



Signature

Dated: May 3, 2004

Leslie S. Szivos, Ph.D.  
Registration No. 39,394  
SCULLY, SCOTT, MURPHY & PRESSER  
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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No.

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**Certificate of Mailing**

I certify that this document and fee is being deposited on 5/3/2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Leslie S. Szivos, Ph.D.

Typed or Printed Name of Person Mailing Correspondence

\*This certificate may only be used if paying by deposit account.

CC: